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EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,279

Applicant(s)

SHAPIRA, JOE Y.

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims **1- 31** are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-9, 15-19, and 23-28 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Kurzius et al.**, (hereinafter Kurzius) U.S. Patent No. **6,385,620**, in view of **Buckwalter et al.**, (hereinafter Buckwalter) U.S. Patent No. **6,735,568**.

5. As to claim 1, **Kurzius** teaches the invention as claimed, including a computer program product comprising: a computer readable medium having computer

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readable program code for locating a match embodied therein (col. 1 lines 58-col. 2 lines 24), said computer readable program code configured to:

obtain a first profile associated with a client-user from a searching-user (figure 9, elements 914-915, col. 12 lines 37-col. 13 lines 9);

present a plurality of second profiles associated with a plurality of prospect-users to said searching-user wherein said searching-user reviews said plurality of second profiles on behalf of said client-user (figure 9, element 910-912, col. 12 lines 20-36, col. 15 lines 50-66);

obtain a selection associated with at least one of said plurality of prospect-users from said searching-user, wherein said selection identifies a selected prospect-user (col. 13 lines 17-37);

Kurzius teaches transmitting said recommendation message (col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16). However, **Kurzius** does not explicitly teach the feature of transmitting and responding message between said selected prospect-user and said client-user via intermediary wherein said intermediary removes identifying information associated with said prospect-user.

Buckwalter, teaches the feature of transmitting a recommendation message to said selected prospect-user; obtaining a response message from said at least one said selected prospect-user; and transmitting said response message to said client-user via an intermediary, wherein said intermediary removes identifying information associated with said prospect-user (col. 3, lines 51-58, col. 11, line 44-col. 12, line 27, col. 13, lines 37-46).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include the feature of transmitting and responding message between said selected prospect-user and said client-user via intermediary wherein said intermediary removes identifying information associated with said prospect-user as disclosed by **Buckwalter** because it would have provided an efficient communication system to exchange information between sender and receiver remains confidential (see Buckwalter col. 12, lines 13-27).

6. As to claim 3, **Kurzius** teaches the invention as claimed, wherein said selection associated with said at least one of said plurality of prospect-users is stored in favorites list (col. 12 lines 59-col. 13 lines 9).

7. As to claim 5, **Kurzius** teaches the invention as claimed, wherein said recommendation message comprises said first profile associated with said client-user (col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16).

8. As to claim 6, **Kurzius** teaches the invention as claimed, wherein said recommendation message comprises a link associated with said first profile (col. 6 lines 54-col. 7 lines 7, col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16-hypertext links associated with candidate profile).

9. As to claim 7, **Kurzius** does not explicitly teach the feature of transmitting said recommendation message through an intermediary.

However, **Buckwalter** teaches transmit said recommendation message to said selected prospect-user routes said message through an intermediary (col. 11, line 44-col. 12, line 27, col. 13, lines 38-46). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include the feature of transmitting said recommendation message through an intermediary as disclosed by **Buckwalter** because it would have provided an efficient communication system to exchange information between sender and receiver remains confidential (see Buckwalter col. 12, lines 13-27).

10. As to claim 9, **Kurzius** does not explicitly teach said intermediary comprises a blind exchange. **Buckwalter** teaches said intermediary comprises a blind exchange (col. 11, line 44-col. 12, line 27, col. 13, lines 38-46). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include teach said intermediary removes identifying information associated with said searching-user from said recommendation message before forwarding said recommendation message to said selected prospect-user as disclosed by **Buckwalter** because it would have provided an efficient communication system to exchange information between sender and receiver remains confidential (see Buckwalter col. 12, lines 13-27).

11. As to claim 11, **Kurzius** teaches the invention as claimed, wherein said computer readable program code transmits said response message to said searching-user (figure 11, col. 14 lines 5-39).

12. As to claim 15, **Kurzius** teaches the invention as claimed, further comprising computer readable program code configured to: present said response message to said client-user (figure 11, col. 14 lines 5-39).

13. As to claim 16, **Kurzius** teaches the invention as claimed, including in a computer system, a method for locating a match comprising:

obtaining a first profile associated with a client-user from a searching-user (figure 9, elements 914-915, col. 12 lines 37-col. 13 lines 9);

presenting a plurality of second profiles associated with a plurality of prospect-users to said searching-user wherein said searching user reviews said plurality of second profiles on behalf of said client-user (figure 9, element 910-912, col. 12 lines 20-36, col. 15 lines 50-66);

obtaining a selection associated with at least one of said plurality of prospect-users from said searching-user, wherein said selection identifies a selected prospect user (col. 13 lines 17-37).

Kurzius teaches transmitting said recommendation message (col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16). However, **Kurzius** does not explicitly teach transmitting a recommendation message through an intermediary wherein said

intermediary removes identifying information associated with said searching-user.

Buckwalter teaches transmitting a recommendation message to said selected prospect user by routing said message through an intermediary, wherein said intermediary removes identifying information associated with said searching-user from said recommendation message before forwarding said recommendation message to said selected prospect-user (col. 3, lines 51-58, col. 11, line 44-col. 12, line 27, col. 13, lines 37-46).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include the feature of transmitting a recommendation message through an intermediary wherein said intermediary removes identifying information associated with said searching-user as disclosed by **Buckwalter** because it would have provided an efficient communication system to exchange information between sender and receiver remains confidential (see **Buckwalter** col. 12, lines 13-27).

14. As to claim 17, **Kurzius** teaches the invention as claimed, wherein said selection associated with said at least one of said plurality of prospect-users is stored in a favorites list (col. 12 lines 59-col. 13 lines 9).

15. As to claim 18, **Kurzius** teaches the invention as claimed, wherein said recommendation message comprises information from said first profile associated with said client-user (col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16).

16. As to claim 19, **Kurzius** teaches the invention as claimed, wherein said recommendation message comprises a link associated with said first profile (col. 6 lines 54-col. 7 lines 7, col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16. Hypertext links associated with candidate profile).

17. As to claim 23, **Kirzius** does not explicitly teach obtaining a response message from said at least one said selected prospect-user; transmitting said response message to said client-user. **Buckwalter**, teaches the feature of (col. 3, lines 51-58, col. 11, line 44-col. 12, line 27, col. 13, lines 37-46). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include the feature of obtaining a response message from said at least one said selected prospect-user; transmitting said response message to said client-user as disclosed by **Buckwalter** because it would have provided an efficient communication system to exchange information between sender and receiver remains confidential (see Buckwalter col. 12, lines 13-27).

18. As to claim 24, **Kirzius** teaches the invention as claimed, wherein said response message is transmitted to said searching-user (figure 11, col. 14 lines 5-39).

19. As to claim 25, **Kurzius** does not explicitly teach said response message is transmitted to said client-user by routing said response message through an

intermediary. However, **Buckwalter** teaches wherein said response message is transmitted to said client-user by routing said response message through an intermediary (col. 11, line 44-col. 12, line 27, col. 13, lines 38-46). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include said response message is transmitted to said client-user by routing said response message through an intermediary as disclosed by **Buckwalter** because it would have provided an efficient communication system to exchange information between sender and receiver remains confidential (see Buckwalter col. 12, lines 13-27).

20. As to claim 26, **Kurzius** does not explicitly teach said intermediary comprises a blind exchange. **Buckwalter** teaches said intermediary comprises a blind exchange (col. 11, line 44-col. 12, line 27, col. 13, lines 38-46). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include said intermediary comprises a blind exchange as disclosed by **Buckwalter** because it would have provided an efficient communication system to exchange information between sender and receiver remains confidential (see Buckwalter col. 12, lines 13-27).

21. As to claim 27, **Kurzius** does not explicitly teach said intermediary removes identifying information associated with said prospect-user. **Buckwalter** teaches said intermediary removes identifying information associated with said

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prospect-user (col. 11, line 44-col. 12, line 27, col. 13, lines 38-46). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include said intermediary removes identifying information associated with said prospect-user as disclosed by **Buckwalter** because it would have provided an efficient communication system to exchange information between sender and receiver remains confidential (see Buckwalter col. 12, lines 13-27).

22. As to claim 28, **Kurzius** teaches the invention as claimed, further comprising: presenting said response message to said client-user (figure 11, col. 14 lines 5-39).

23. Claims 29-31 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Kurzius et al.**, (hereinafter Kurzius) U.S. Patent No. **6,385,620**, in view of **Walker et al.**, (hereinafter Walker) U.S. Patent No. **5,884,272**.

24. As to claim 29, **Kurzius** teaches the invention as claimed, including in a computer system, a method for locating a match comprising:

obtaining a first profile associated with a client-user from a searching-user (figure 9, elements 914-915, col. 12 lines 37-col. 13 lines 9);

presenting a plurality of second profiles associated with a plurality of prospect-users to said searching-user wherein said searching user reviews said plurality of

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second profiles on behalf of said client-user (figure 9, element 910-912, col. 12 lines 20-36, col. 15 lines 50-66);

obtaining a selection associated with at least one of said plurality of prospect-users from said searching-user, wherein said selection identifies a selected prospect-user (col. 13 lines 17-37);

obtaining a response message from said selected prospect-user (figure 11, col. 14 lines 5-39);

obtaining a reply message from said client-user (figure 11, col. 14 lines 5-39);
transmitting said reply message to said prospect-user (figure 11, col. 14 lines 5-39).

transmitting a recommendation message comprising information from said first profile to said selected prospect-user (col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16). **Kurzius** teaches the recruiter selects a candidate that matched with client's profile and transmits the selected candidate to database server. The client then later accesses database server and browses the selected candidate profile that assigned by the recruiter. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Kurzius** implicitly discloses the recruiter selects a candidate that matched with client's profile and transmit the selected candidate to database server. The client then later accesses database server and browses the selected candidate profile that assigned by the recruiter equivalent to the step of transmitting a recommendation message to said selected prospect-user disclosed in the applicant's specification. A person of ordinary skill in the art would have

recognized that **Kurzius** performs the same function in substantially the same way to reach substantially the same result.

Kurzius does not explicitly teach transmitting said response message to said client-user via said blind exchange; and transmitting a recommendation message comprising information from said first profile to said selected prospect-user via a blind exchange. However, **Walker** teaches transmitting first party and second party profile and request/response through central controller. Central controller will remove parties' identities before forward to another party (col. 7 lines 29-col. 8 lines 20). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include the step of transmitting message and response to said client-user and prospect-user via said blind exchange as teach by **Walker** because it would provide an efficient anonymous communications system that protect and control over the release of identify information to others (col. 4 line 10-13).

25. As to claim 30, **Kurzius** teaches the invention as claimed, wherein said transmitting provides said searching-user said response message (figure 11, col. 14 lines 5-39).

26. As to claim 31, **Kurzius** teaches the invention as claimed, wherein said transmitting provides said searching-user said reply message (figure 11, col. 14 lines 5-39).

Allowable Subject Matter

27. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703)

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305-7447. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached at (571) 272-4001.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**BHARAT BAROT
PRIMARY EXAMINER**

Thu Ha Nguyen

May 31, 2005